

EXHIBIT 1

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Of Counsel for
Tanya Gendelman, P. C.

5-1-15

Carnell T. Foskey
Nassau County Attorney
Attn. Ralph Reissman
Deputy Nassau County Attorney
One West Street
Mineola, New York 11566

Re: Weinstein v. Krumpeter et al
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Mr. Reissman,

Please find enclosed Plaintiff's First Request for Documents. If any of the information and documents requested are electronically stored so as to make paper production impractical, please give me a call so we can determine a procedure to be used regarding production.

Sincerely,


Robert T. Bean

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARC WEINSTEIN,

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police
Commissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of
Department, Nassau County Police
Department,**

**DANIEL P. FLANAGAN, Commanding
Officer, First Precinct, Nassau County Police
Department,**

**JAMES B. MALONE, Police Officer, First
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and
Investigator, Nassau County Police
Department, Pistol License Section,**

**NASSAU COUNTY POLICE
DEPARTMENT,**

and

COUNTY OF NASSAU

Defendants

**PLAINTIFF'S REQUEST FOR
THE PRODUCTION OF
DOCUMENTS**

Jury Trial Demanded

Pursuant to Fed. R. Civ. P. 34, Plaintiff Marc Weinstein, by and through the undersigned attorneys, the Law Office of Robert T. Bean, hereby request that the documents described below be produced by Defendants, for inspection and copying at the offices of Robert T. Bean, 3033 Brighton 3rd Street, Brooklyn, New York 11235, on or before thirty (30) days after service hereof. The requests are to be responded to in accordance with the following Definitions.

REQUEST FOR PRODUCTION OF DOCUMENTS

Definitions:

1. "Incident in question" is the confiscation of the firearms of Plaintiff Marc Weinstein on February 25, 2014.
2. "Prompt Post Deprivation Hearing" means that hearing set forth in *Razzano v. County of Nassau*, No. 07-cv-3983, reported 765 F. Supp. 2d. 176 (Feb. 28, 2011).
3. "Nassau County" includes all defendants herein and any employee, agent, official, officer or contractor acting for or on behalf of Nassau County or the Nassau County Police Department.

Documents Requested:

1. The transcript and/or the recording of the 911 phone call made by Zoila E. Watson-Weinstein on February 25, 2014.
2. Transcripts of all communications between the 911 operator and Dispatch regarding the incident in question.
3. Transcripts and/or recordings of all electronic, e-mail, text or radio communications between Officer James B. Malone and Nassau County Police Department Dispatch prior to and after his initial visit to Plaintiff's home.
4. Transcripts, recordings or copies of all orders written or electronic given to Officer James B. Malone regarding the incident in question following his initial visit to the home of Plaintiff on February 25, 2014.
5. All written or electronic reports or documents prepared or produced by Officer James B. Malone regarding the incident in question.

6. All written or electronic reports or documents prepared or produced by DANIEL P. FLANAGAN, Commanding Officer, First Precinct, regarding the incident in question.
7. All written or electronic reports or documents prepared or produced by any and all of the officers accompanying James B. Malone to Plaintiff's home regarding the incident in question.
8. All written or electronic reports or documents prepared or produced by the Nassau County Police Department, Pistol License Section, regarding Plaintiff and/or the incident in question.
9. All written or electronic reports or documents reviewed or possessed by the Nassau County Police Department, Pistol License Section, regarding Plaintiff and/or the incident in question.
10. All written or electronic reports or documents obtained, reviewed or produced by Capt. Gisondi, the Domestic Incident Liaison Officer of the First Precinct, regarding the incident in question.
11. All written or electronic reports or documents, legal memoranda, meeting transcripts, regarding bringing the firearms confiscation policies of the Nassau County Police Department in compliance with the Court's Decision in *Razzano v. County of Nassau*, No. 07-cv-3983, reported 765 F. Supp. 2d. 176 (Feb. 28, 2011).
12. All written or electronic documents formulating a prompt post deprivation hearing procedure by Nassau County in compliance with *Razzano v. County of Nassau*, No. 07-cv-3983, reported 765 F. Supp. 2d. 176 (Feb. 28, 2011).
13. Copies of all Notices sent to Plaintiff by Nassau County regarding any prompt post deprivation hearing following the incident in question.
14. Transcript of any post deprivation hearing conducted following the incident in question.
15. A copy of the decision following the prompt post deprivation hearing regarding the incident in question.
16. Written or electronic list of all firearms confiscations by Nassau County Police Department following the *Razzano* decision (Feb. 28, 2011), where the firearms "are not (1) the fruit of a crime, (2) an instrument of crime, (3) evidence of a crime, (4) contraband, or (5) barred by court order from being possessed by the person from whom they were confiscated" and as to each:

- a. The date and location of the confiscation;

- b. The name, address, e-mail address and phone number of the person from whom the firearms were confiscated;
- c. If and when the firearms were returned;
- d. If not returned, the reasons;
- e. The date, time and place of each post deprivation hearing and the person before whom it was held and the persons appearing before such tribunal including attorneys, if any;
- f. The name, address, title and employment of the impartial decision-maker before whom the hearing was held, and if his/her decision was reviewable, by whom.

17. Copies of all training or instruction material furnished to instruct and/or educate Officers of the Nassau County Police Department regarding the decisions of the Supreme Court of the United States in *District of Columbia v. Heller* 554 U.S. 570, 128 S. Ct. 2783 (2008) and *McDonald v. City of Chicago* 561 U.S. 742, 130 S. Ct. 3020 (2010) and the decision of the United States District Court, Eastern District of New York in the *Razzano* case.

18. All documents, legal memoranda or opinions prepared by the Nassau County Attorney's Office with regard to the requirement to instruct Officers of the Nassau County Police Department regarding the decisions of the Supreme Court of the United States in *Heller* and *McDonald* and the decision of the United States District Court, Eastern District of New York in the *Razzano* case with regard to firearm confiscations.

19. Copies of all instructor's notes to regarding any training or education provided to Officers of the Nassau County Police Department regarding the decisions of the Supreme Court of the United States in *District of Columbia v. Heller* 554 U.S. 570, 128 S. Ct. 2783 (2008) and *McDonald v. City of Chicago* 561 U.S. 742, 130 S. Ct. 3020 (2010) and the decision of the United States District Court, Eastern District of New York in the *Razzano* case.

Dated: Brooklyn, New York

May 1, 2015

By: 
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Via E-Mail and First Class Mail

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